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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,734	01/16/2004	David R. Dodds	16274.174	6366
22913	7590	12/18/2008	EXAMINER	
Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			STAHL, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2874	
			MAIL DATE	DELIVERY MODE
			12/18/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/758,734

**Applicant(s)**

DODDS, DAVID R.

**Examiner**

MICHAEL STAHL

**Art Unit**

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-13, 15, 16 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-10, 16 and 19-24 is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 15 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2008 has been entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiu et al. (US 6994478, cited in a previous action).

Claim 11: Chiu discloses a transceiver module housing comprising: a body (labeled **704** in figs. 7A-7D, and **3402** in figs. 34A-34I) having an interface surface and a front side; a first opening (the holes for pivoting pin **3406**, see col. 25 lns. 45-46) adjacent the front side of the interface surface, the first opening configured to receive a first release mechanism (taken as the combination of a bail latch **3404** with an actuator **3408**); and a second opening **745** (fig. 7B, col. 15 lns. 16-29) adjacent the front side of the interface surface and distinct from the first opening, the second opening configured to receive a second release mechanism (taken as the combination

of a pusher **705** with an actuator **706**), the second release mechanism comprising a tool (**705/706**) configured to releasably engage the housing.

Claim 15: The second opening is configured to receive one or the other of the first and second release mechanisms but not both release mechanisms at the same time. For example, if **705/706** is in place then there is no way to simultaneously accommodate the actuator **3408**.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu et al. (applied above).

Chiu discloses a first opening (c.g. **3801** in fig. 38E) to receive a rotatable handle but it appears to be a through-hole rather than a trough. However, it was already known in the art to use a trough instead of a through-hole as an opening to receive a rotating shaft. There would have been nothing unpredictable about doing so in the Chiu device. Accordingly it would have been obvious to a skilled person to use any suitable opening for receiving the pivoting shaft **3406** of the rotatable handle **3404**. A skilled person would have been motivated to use a trough since it would permit the shaft to be installed perpendicularly to the pivot axis without requiring the sides of **3402** to be flexible.

***Response to Arguments*** (9/29/2008 Remarks)

The remarks regarding the previously applied Long et al. and Peterson et al. references are persuasive. In particular, claim 11 now requires the second opening to be distinct from the first opening. The previously applied references show only a single opening to receive the different release mechanisms. However, a previously cited Chiu et al. reference has been applied to claim 11 herein.

***Allowable Subject Matter***

Claims 2-10, 16, and 19-24 are allowed. Claims 6 and 21 are in independent form including previously identified allowable subject matter. Claims 2-5, 7-10, 16, 19-20, and 22-24 depend from claims 6 or 21.

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Chiu does not disclose or suggest that a module cover retains the rotatable handle in the trough, in combination with all the other features of the parent claims.

***Conclusion***

Inquiries about this letter may be directed to examiner Stahl at 571-272-2360. Inquiries of a general or clerical nature (e.g., a request for a missing form or paper, etc.) should be directed to the technical support staff supervisor at 571-272-1626. Official correspondence which is eligible for submission by facsimile and which pertains to this application may be faxed to 571-273-8300. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions about the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mike Stahl/  
Examiner, Art Unit 2874

December 15, 2008